

COURT DECISIONS.

Notes of Cases Recently Decided,
Which are of Interest to
Our People.

DIGESTED BY W. B. MARTIN,
(Exclusively for Virginian-Pilot.)

SMITH V. NASHUA STREET RY.

Superior Court of New Hampshire.
A STREET RAILWAY COMPANY IS
LIABLE FOR DAMAGES CAUSED
BY A DANGEROUS BANK OF
SNOW LEFT ON THE SIDE OF
ITS TRACKS, AFTER CLEANING
THEM, WHERE IT HAD A REA-
SONABLE TIME WITHIN WHICH
TO MOVE IT.

This was an action by Nancy Smith, administratrix, to recover damages for injuries to her intestate. The deceased was driving on Pearl street in Nashua, and while attempting to cross the defendant's tracks was thrown from his sleigh and injured. The cause of the accident was a bank of snow and ice on the side of the tracks, made by the defendant in plowing out the tracks some ten days before the accident. There was a verdict for plaintiff, and the defendant appealed.

The court says:
Aside from the common law liability of any person who places an obstruction in the highway, or causes any defect in it, in consequence of which another suffers a special damages, is the statute which provides that "any person or corporation, except municipal corporations, through whose negligence or carelessness any obstruction, defect, insufficiency, or want of repair is caused, shall be liable to any person injured by reason thereof."

Although the defendant's charter does not expressly authorize them to remove snow from their tracks, they have the right, by implication, to do so sufficiently to operate, their road for the accommodation of the public. But, in the exercise of this right, they are bound to consider the rights of the public generally to the use of the streets, including those portions occupied by the defendant's tracks. Travelers while driving from one side of the street to the other are entitled to find the passage reasonably safe. If, after storms, the tracks are cleared, so that steep banks of snow are left on either side, the use of a portion of the street may be attended with great danger. Should the character of the banks be such as to make the streets unsuitable for public travel, the banks would be obstructions, and the street would be defective and insufficient. In the removal of snow the defendants must use ordinary care to avoid so changing the general surface of the street as to render it unsuitable for the public travel thereon.

There was evidence proper for the jury to consider upon the question of the defendant's negligence. It tended to prove that in plowing on their tracks, some ten days before the intestate received his injuries, they make a dangerous bank of snow and ice where the accident occurred, and that, even if this unsafe condition of the street was unavoidable when the track was cleared, a reasonable length of time elapsed before the plaintiff's injuries occurred in which its dangerous character might have been removed. Affirmed.

DOHERTY V. DETROIT C. ST. RY. CO.

Supreme Court of Michigan.
September 19, 1899.

A PARTY WHO WAS STRUCK BY A STREET CAR CANNOT RECOVER WHERE, HAD HE LOOKED HE WOULD HAVE SEEN THE CAR IN TIME TO AVOID IT.

This was a suit for damages occasioned the plaintiff by being struck by a street car. There was a judgment for defendant in the lower court and plaintiff appealed.

The court says:
The evidence in this case clearly shows that, had the plaintiff taken the trouble to look as he approached the track he must have seen the car that struck him in time to have avoided it. It is a logical and necessary deduction from the established facts in the case and, being so, the court properly directed a verdict for the defendant. Affirmed.

ATLANTIC CITY WARD

Cards have been issued for the marriage of Miss Maggie Wilson to Mr. John H. Davis, the ceremony to be performed at the residence of Mrs. Aluden, on Colley avenue, to-morrow evening.

There was a large turnout at the meeting of the Junior Epworth League of Leekies Memorial Methodist Church Sunday afternoon. The exercises were very interesting, the prominent feature of which was an able and instructed address by Rev. Dr. W. J. Young on the parable of "The Lost Sheep." The subject was treated in the Doctor's usual clear and forceful style, leaving a fine impression on all who heard the address.

Mrs. Williams, wife of Rev. W. T. Williams, continues quite sick at the parsonage, on Central avenue.

Despite the storm there was a fair congregation at the first of the series of revival services at Central Avenue Baptist Church last night.

The Junior Society of Christian Endeavor of Colley Memorial Presbyterian Church held a most interesting devotional exercise Sunday afternoon. The singing was spirited and the talks by the children well timed and appropriate.

The Human Body.

Science is paying more attention to the mechanism of the human body than ever before. It has discovered that mind and body are so closely connected that one cannot be affected without influencing the other. It has found that all achievement, success, or failure, happiness or misery, is controlled by the body. The lesson is obvious. Improve the body. This can only be done through the stomach. It is the organ which feeds life itself. If it is weak, it produces poisonous refuse, and debilitates every organ in the body. It may be made strong and kept strong by Hostetter's Stomach Bitters. This is a simple, natural stomach remedy, which acts quickly and gently. It will cleanse the system, wake up the liver, stimulate the kidneys and improve the general health. Ask your druggist for it, and see that a private Revenue Stamp covers the neck of the bottle.

Hick's CAPUDINE will cure all your headaches, etc. Ask your druggist for it.

AMUSEMENTS.

"RUPERT OF HENTZAU."

Anthony Hope's sequel to the Prisoner of Zenda, as presented by James K. Heckett, and a specially selected company, under the management of Daniel Frohman at the Academy of Music last night proved to be not only a quiet society event, but decidedly the dramatic event of the season. Notwithstanding the downpour of rain the Academy was well filled. Those who braved the storm felt fully repaid, and it would have required an additional many wet blankets to dampen the ardor of their enthusiasm, as one dramatic situation after another followed in rapid succession and thrilling climaxes transformed into oblivion all else except the living portrayal of the great story before them. Mr. Hackett's splendid work in the dual role is beyond compare, his rapid changes of character and costume being a marvel. Curtain call after curtain call, and the most prolonged and enthusiastic applause attested the unanimous approval of his audience, and a few well chosen numbers of acknowledged star performers formed a fitting conclusion to the third act. The climax of which was a duel between Rudolph Rassendyne and Rupert of Hentzau, one of the finest pieces of sword work we have ever witnessed. The supporting company is a superb one.

THE MINSTRELS TO-NIGHT.

At Montefiore Hall, at 8:15 o'clock to-night, a grand minstrel benefit is to be given for the rebuilding fund of St. Vincent's Hospital. The outlook is for a crowded house. The vocalists are the Misses Green, La Due and Walkart. Mr. McDermott and the Orpheum Quartette; Comedians, Lloyd Dalby and Abe Moses; and Master of Ceremonies, Dan Leslie. Professors Shuster and Shwinck have charge of the musical numbers, and Baby Ellen Green, the champion cakewalker, will be seen in one of her original specialties. The company numbers fifteen people, and a pleasant evening is promised all those who attend.

"THE SPORTING DUCHESS."

The management announce that the presentation of "The Sporting Duchess" at the Academy of Music to-night will be one of the most elaborate performances of spectacular drama ever given in Norfolk. It abounds in novel situations, strong scenic effects and witty dialogue, and the stage settings, judging from report, will cap the climax. Prices: 25, 50, 75 cents and \$1.

THE JAMES-KIDDER-HANFORD COMBINATION.

The engagement to-morrow evening and Thursday matinee and night of the great star triumvirate, Louis James, Kathryn Kidder, Charles B. Hanford, and their associates, brings forcibly to mind that the field of the Shakespearean or legitimate drama, as represented by actors of the older school, is narrowed down to a very few organizations. Managers Wagenhals and Kemper have brought together three of the greatest of the survivors of the old school that produced Forrest, McCullough, Booth, Barrett, Keene and others. The company includes John A. Elsher, Harry Langdon, Barry Johnstone, Norman Hackett, Thomas Coffin, Cooke, J. L. McVicker, Collin Kemper, W. A. Lincoln, Miss Helen Singer, Miss Aphie James, Miss Emily Bethel, Miss Dromah, Mrs. Harry Vandenhoff and twenty others. Seats for all three performances on sale at the box office. Prices range from 25 cents to \$1.50. Matinee prices, 25 cents to \$1.

CORINNE.

On Friday evening, November 3d, the theatre-goers of this city will again have an opportunity of seeing at the Academy of Music, Corinne, who is so well known here. The management promise a strong supporting company, and a most elaborate production of one of Smith and De Lange's funniest creations, entitled "The Little Host," with scenery, costumes, and, in fact, all paraphernalia connected with the production of first-class in every respect. Manager Howe, having done his utmost to surround Corinne with every practical aid known to the modern theatrical manager.

BRAMBLETON WARD.

Rev. R. H. Bennett will conduct a special revival service at McKendree Church Wednesday night. It is learned that after the close of the services Sunday night several persons professed conversion at their homes, which will swell the number of converts to about thirty. Over one hundred members of the church have re-consecrated their lives to the service of God.

Miss Fannie Weaver, of Clay avenue, accompanied by her sister, Mrs. P. P. Walker, of Boush street, left yesterday afternoon for Richmond, where they will spend several weeks at Ford's Hotel.

The Brambleton W. C. T. U. will meet with the president, No. 292 North Park avenue, at 3:30 o'clock this afternoon.

Rev. W. H. Edwards, presiding elder, held his fourth quarterly conference with McKendree M. E. Church last night and closed up the business of the present year. The reports showed the church to be in the best condition spiritually and financially during its entire history, with over one hundred accessions to the membership during the year. Rev. R. H. Bennett will be able to present a clean balance sheet at the annual conference, with the entire debt on the church building a balance of over two thousand dollars, paid.

Something ought to be done in the way of improving the roadbed of South Kelly avenue. It is in a wretched condition. The rain of yesterday has made it almost impassable for vehicles of any kind. Merchants say that unless the street is improved they will have to discontinue sending their wagons to points in Brambleton with goods for patrons.

The Local Board of Improvement will meet in regular monthly session to-night.

The hour of regular service Sunday night was given up to the Epworth League at Trinity Church. The exercises were of a very spiritual character. Many testimonies of growth in spiritual life were given by those who have never before spoken in public.

The storm last night prevented the

BEECHAM'S PILLS
taken at night will make you feel right, act right and look right. They cure Constipation.
10 cents and 25 cents, at all drug stores.

"BETWIXT BUD AND BLOOM."

The sufferings of the young, the tender, and the inexperienced always excite sorrowful compassion and a yearning desire to help them in their troubles.

And in the light of a great discovery all the rose buds of sweet womanhood may see the promise of their speedy release from all those sufferings which have been the bane of their sex from the earliest times.

They need only take that greatest of modern medicines, Warner's Safe Cure, as directed, and their past sufferings will soon appear to them as a painful dream from which they have awakened to dream no more. "It is a remedy," says Mrs. H. P. G. Carnes, of Butler, Pa., "that can be relied upon, a remedy that never fails, and one that has proved to be woman's best friend."

usual large turnout to the B. Y. P. U. meeting of Spurgeon Memorial Baptist Church, and the topic, "Foreign Missions," was not discussed.

Y. M. C. A. COURSE.

OPENED SUCCESSFULLY LAST NIGHT BEFORE LARGE AUDIENCE.

Notwithstanding the inclement weather last night and a strong attraction at the Academy of Music, a large and delighted audience attended the opening number of the Y. M. C. A. course of entertainments. The opening was very successful in every respect.

The attraction was a very pleasing concert by the Lotus Glee Club and Mrs. Minnie Marshall Smith, reciter. The glee club is composed of George Seymour Lenox, first tenor; G. Morgan Stricklett, second tenor; Charles L. Lewis, first bass; Edward B. Martinelli, second bass; Frank J. Smith, accompanist.

The choice program rendered was as follows:

1. "A Border Song"..... Cowen
2. "That Old Sweetheart of Mine"..... Riley
3. "If I Were You"..... Dobson (Musical Accompaniment.)
4. "O Fair, O Sweet and Holy"..... Cantor
5. "Gipsy John"..... Clay
6. "Mrs. Lofter's Ride"..... Mitchell
7. "Come to Me"..... Bemberg
8. "The Owl"..... Adams
9. "A Pair of Lunatics"..... Workes
10. "Banderero"..... Stuart
11. "At Parting"..... Van du Stuken

OPENING Y. M. C. A. EVENTS.

The evening educational classes are open every night in the week. On to-morrow afternoon at 3:45 o'clock there will be held the first meeting of the boys' gymnasium class (intermediate and juniors). Lockers will be assigned in payment of fee. At 6:15 p. m. there will be the business and professional men's gymnasium class and assignment of lockers on payment of fee.

On Wednesday, November 1st, at 8:15 p. m., first young men's gymnasium class will be held.

FIRST BASKET BALL GAMES.

On Tuesday, November 7th, there will be the first senior game of basket ball, and on Thursday, November 9th, will be held the first junior basket ball game.

NEXT ATTRACTION.

The next attraction in the entertainment course will be on Saturday, November 11th, the Louise Brehan Grand Concert Company.

FIRST LADIES' NIGHT.

The first ladies' night will be on Friday, November 17th. The first junior exhibition will be on Friday, November 14th.

Sunday School Officers Elected.

The officers and teachers of the Methodist Sunday schools of Norfolk held their annual meeting Sunday and elected the following officers for the new conference year:

Cumberland Street School—Assistant Superintendent, Willard E. Brown; Secretary, Frank C. Miller; Treasurer, James E. Day; Librarian, Fred Ayers; Cornetist, J. N. McBride. The superintendent will be elected by the Quarterly Conference at its next meeting.

Centenary—Superintendent, Luther S. White; Assistant Superintendent, W. B. Harrell; Secretary, James V. Seward; Assistant Secretary, J. M. Malbon; Treasurer, Marvin White; Librarian, W. J. Fearing; Visitor, Chas. W. Coleman; Chorister, J. P. Grandy; Organist, Miss Lucy Reed; Pianist, Mrs. P. J. Malbon; Superintendent Infant Department, J. W. Grady.

Queen Street—Superintendent, J. H. Walters; Assistant Superintendent, W. W. Vlear; Treasurer, H. R. Berryman (these three have served 25 years, and are re-elected for the 26th year); Secretary, J. H. Courley; Organist, Fred J. Peterson; Pianist, Miss Beale; Secretary, Librarian, Benjamin Reynolds; Assistants, George B. Maynard and Charles E. Scott.

Mr. Kimberley Was Witty.

One of the applicants for a consulate in Japan while James G. Blaine was Secretary of State was the late Samuel Kimberley, of Baltimore, who died in the service in Central America.

After he had presented his credentials Mr. Blaine said: "I should like to appoint you, Mr. Kimberley, but I have made it a rule to recommend no one who does not speak the language of the country to which he is sent. Do you speak Japanese?" "Cer-tainly," Mr. Blaine, stammered Mr. Kimberley; "a-a-a-ah me s-s-something in J-J-Japanese and I'll a-a-a-answer you." Mr. Blaine had not a word to

say, but the Japanese post went to another man, all the same, and Kimberley went to Central America.

One day Kimberley met a young woman who threw her arms impulsively around his neck and kissed him. Seeing her mistake she drew back and angrily asked: "Aren't you Mr. Jones?" "N-n-o, madam," replied Kimberley, bowing, "I'm n-n-not, but I w-w-wish to thunder I w-w-was."—Evening Wisconsin.

Mr. Kimberley will be recalled by many of the citizens of Norfolk as a former clerk of the Corporation Court.

BRIEF ITEMS OF INTEREST.

Mrs. A. Jacobosky, of 91 Holt street, has returned from New York, after having a successful operation performed upon her eyes.

Mrs. John Hill and Miss Alice Reagan left last night for Richmond on a ten days' visit with friends and to take in the trades carnival and the launching of the torpedo boat Shubrick.

The Board of Health wishes to deny the statement that there is any small-pox in the city.

The meeting to have been held at St. Peter's Church last night was postponed until Wednesday night at 8 o'clock on account of the weather.

Fifty marines from the Norfolk Navy-yard left Sunday afternoon at 5:30 o'clock for the Brooklyn Navy-yard via the New York, Philadelphia and Norfolk railroad. They go from there to Manila.

To-morrow, November 1st, is "All Saint's Day" and will be observed by the Catholic and Episcopal Churches with impressive services.

The oyster gunboat Chesapeake will represent the Virginia oyster navy at the launching of the Shubrick at Richmond to-day.

The steamer Plymouth, disabled, is being towed to Norfolk for repairs. The steamer Harbinger is at Elizabeth City with a hole in her boiler, and will be repaired there.

The steam yacht The Senator passed through the Dismal Swamp Canal yesterday, southbound, with a hunting party aboard.

Rev. Harry Walton will resume charge of the Union Mission of this city on the 13th of November.

The engagement is announced of Mr. Mitchell Dewey, nephew of United States Senator Chauncey M. Dewey, to Mrs. Perry Adams, a daughter of Mr. J. C. Perry, of Norfolk.

Cards are out for the wedding of Miss Nellie A. Dwyer and Mr. Arthur L. Bailey, which will take place November 9th at 4:30 p. m. at the home of the bride, at Park Place.

An electric light wire was burned in two in front of the Atlantic Hotel last night at about 11 o'clock. The wire had been burning at intervals since Sunday night. It was removed from the street by workmen of the electric company.

SUPERSTITIOUS STAGE PEOPLE

EXPERIENCE OF MISS WALDO AT CHATTANOOGA.

Theater-goers in Norfolk who saw the production of "Wang" at the Academy of Music about ten days ago remember Miss Elsie Eleanor Waldo, the pretty young lady who took the second feminine role in the opera. Miss Waldo was next to the leading lady in the company, and in Chattanooga, Tenn., Saturday night she was ordered to take the part of Juliette, the star feminine role, Miss Anderson being unwell. As this part requires the player to wear tights Miss Waldo promptly refused to take her manager's assignment, as her contract specifically stated that she was not to be compelled to don this style of costume, she acted entirely within her rights, according to theatrical usages, charged her before the entire company. She, however, had a standing offer to join the "Great Ruby" company, and was not at all put out. Miss Waldo has played with Mansfield, Netherdale and O'Neill during her brief experience, and is considered a rising star.

The most singular thing about the occurrence at Chattanooga is the fact that Miss Waldo used the dressing room occupied by Manager Frank Leider, on the night he was shot by Miss Julia Morrison, the leading lady. This fact is singular because of the fact that every person who has used the room since that tragedy, three in number, have been discharged from their respective companies before leaving the opera house. Stage people, as a rule, are superstitious, and many of them have refused to use Leiden's room, but when Miss Waldo's attention was called to the facts, she simply laughed. Afterwards she said she believed there was something in superstition.

Appropos the superstition of stage people, a feminine member of the "Rupert of Hentzau" company, which played at the Academy of Music last night, had some little bad luck, as she considered it, yesterday, and immediately sent down to Clerk Buch, of the Monticello, to change her room. Many stage people think that when ill luck overtakes them they can leave it in their old room by changing to another.

Chesapeake and Ohio Earnings.

The following shows the earnings of the Chesapeake and Ohio railway for the months of September, 1898 and 1899:

Gross earnings, 1899, \$1,123,647.77; 1898, \$1,022,291.46; changes, \$101,446.31.
Operating expenses and taxes, 1899, \$750,237.70; 1898, \$658,228.13; changes, \$92,009.57.
Net earnings, 1899, \$373,410.07; 1898, \$364,063.33; changes, \$9,346.74.

Cuticura SOAP
Makes the Hair grow. Clears the Complexion. Softens and whitens the Hands. Preserves and beautifies the skin of Infants and Children.

It is absolutely pure, delicately medicated, unparagoned for its purity and beauty, and is the most effective of skin purifiers and beautifiers, but the purest and sweetest of bath, bath and baby soap.

Sold everywhere. British Dispensary, London. FOSTER & DICK CO., Sole Props., New York, U. S. A.

The Saks Store
234-236 MAIN STREET.

Boys' All Wool Short Pants Suits

—in dressy styles—and iron strength. Four lots that will interest all the mothers:

- \$2.23** for strictly all wool Cheviot Suits, worth \$1. In pretty brown and dark gray plain patterns; lined with double wear serge—sowed with "Anchor" thread. \$1 for \$2.23—aren't you going to take it? Fits ages 7 to 15 years.
- \$3.98** for seven different styles of knee pants. Suits, worth \$5 and \$7.50. Take 'em out and compare 'em—that's the way to prove it. Dark brown and Green Checks; Medium Gray Plaids; and Genuine Scotch Mixed Novelty. New patterns, lined with imported Italian cloth and made as well as any suits we ever sold. Sizes 7 to 15.
- \$3.15** for a lot of 25 seal Brown Cheviot short pants. In Brown and actual \$5 values. The pattern is a broken plaid—and a good color not to show the dirt; just the thing for school. We guarantee these suits in every respect. Sizes 4 to 15 years.
- \$4.48** for the choice of medium and dark mixtures. Green Worsted and Cheviots. They're \$8 and \$10 values; wear proof of worth—or your money back. That's business talk—isn't it? Italian fabric and tailored to perfection. Pants are lined for extra strength; patent waistbands. Fit ages 7 to 15 years.

Saks & Company.

NO MERE PATCHWORK
But Cures that Stand the Test of Time.

FOR YEARS I SUFFERED GREATLY WITH CATARRH OF THE NOSE AND THROAT. I WAS ALL THE TIME HAWKING AND SPITTING. I CAUGHT COLD SO OFTEN AND SO EASY THAT I WAS ALARMED AT MY CONDITION FOR FEAR IT MIGHT LEAD TO CONSUMPTION. OFTEN WHEN I CAUGHT COLD IT MADE ME SO SICK I HAD TO KNOCK OFF FROM WORK FOR SEVERAL DAYS. HAVING KNOWN DR. FERRY FOR 9 OR 10 YEARS AND HAVING GREAT CONFIDENCE IN HIM, I PLACED MYSELF UNDER HIS TREATMENT AND WAS CURED. DURING THE IS MONTHS OR LONGER THAT HAVE ELAPSED SINCE HE TREATED ME THERE HAS BEEN NO RETURN OF ANY OF THE CATARRHICAL SYMPTOMS AT ALL. Last winter is in fact the only winter I can remember during which I had no colds or other symptoms of catarrh.

JAMES ABBOTT,
Near Methodist Church, Lambert's Point.

NORFOLK TRUNK FACTORY
172 Church St., Near Main
Got Your Trunk?

Has offices 1 and 2 No. 314 Main street, Norfolk, Va. Specialties: Catarrh and all diseases of Eye, Ear, Nose, Throat, Chest and Stomach.

Hours, 9 a. m. to 12:30 p. m.; 2 p. m. to 6:30 p. m. Sunday Hours, 10:30 a. m. to 12:30 p. m. Tuesday night and Thursday night, 7:30 p. m. to 8 p. m.

Consultation always free. Medicines furnished. Terms always moderate. Eyes examined for glasses free of charge.

Do not risk traveling with a poorly constructed TRUNK, which is liable to break apart. WHEN you can protect your valuables covered from bottom, steel bound TRUNK, protected with hard wood slats and finished with three coats of paint. Extra strong, with strap, all linen lined, 2 trays, with strap.

JOINT RESOLUTION
Proposing to strike from the Constitution the second clause of article ten and providing for publishing and certifying the same to the next General Assembly of Virginia.

(Approved February 23, 1898.)

1. RESOLVED, That the clerk of the House of Delegates and the clerk of the Senate (a majority of the members of each house agreeing thereunto), that the following amendment to the Constitution of Virginia, be and is hereby proposed and referred to the General Assembly to be chosen at the next general election of senators and members of the House of Delegates for its concurrence in conformity with the provisions of section one of article twelve of said Constitution, to-wit: Strike from the Constitution of Virginia section two of article ten, which is in the following words: "No tax shall be imposed on any of the citizens of this State for the privilege of taking or catching any of the natural beds with togs in the waters thereof; but the amount of rate of water so taken by any citizen, in any one year, may be taxed at a rate not exceeding the rate of taxation imposed upon any other species of property."

2. RESOLVED, That the clerk of the House of Delegates and the clerk of the Senate be and are authorized to cause this proposed amendment and the vote thereon to be published in one newspaper published in each of the counties of the Commonwealth having more than ten thousand inhabitants, once a week for three consecutive months previous to the election of the General Assembly, and to cause a certified copy of said proposed amendment and of the resolutions, together with the certificates of publication by the publishers of newspapers in which said proposed amendment shall have been published.

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